

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MARK LEE TAYLOR, et al.,  
Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC,  
et al.,  
Defendants.

Case No. [10-cv-04659-SBA](#)

**ORDER FOR PRETRIAL  
PREPARATION**

Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure ("FRCP"), IT IS  
HEREBY ORDERED AS FOLLOWS:

**A. MANDATORY SETTLEMENT CONFERENCES**

All parties are ordered to participate in a mandatory settlement conference with Magistrate Judge Corley within 60 days of the Case Management Conference held on June 4, 2015, subject to Judge Corley and the parties' availability. (July 7, 2015 has been tentatively reserved.)

**B. PRETRIAL CONFERENCE**

All Counsel who will try the case shall appear for a pretrial conference on November 18, 2015 at 1:00 p.m. All Counsel shall be fully prepared to discuss all aspects of the trial. The pretrial conference will take place at 1300 Clay Street, 2nd Floor, Courtroom 210, Oakland, California, 94612 (located inside the U.S. Bankruptcy Courthouse). Failure to file the requisite pretrial documents in advance of the pretrial conference may result in vacation of the pretrial conference and/or the imposition of sanctions. ***ALL PARTIES WITH SETTLEMENT AUTHORITY ARE REQUIRED TO ATTEND THE PRETRIAL CONFERENCE.***

**C. PRETRIAL PREPARATION DUE: October 7, 2015**

Prior to the date pretrial preparation is due, Counsel shall meet and confer in good faith in advance of complying with the following pretrial requirements in order to clarify and narrow the issues for trial, arrive at stipulations of facts, simplify and

shorten the presentation of proof at trial, and explore possible settlement. In addition, Counsel shall meet and confer regarding anticipated motions in limine, objections to evidence, jury instructions, and any other matter which may require resolution by the Court. The following items 1 through 8 below shall be filed and served by the above-referenced date.

**1. Joint Pretrial Statement**

Counsel are required to file a pretrial conference statement containing the following information:

**(a) The Action**

**(i) Substance of the Action.** A brief description of the substance of claims and defenses which remain to be decided

**(ii) Relief Prayed.** A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

**(b) The Factual Basis of the Action**

**(i) Undisputed Facts.** A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

**(ii) Disputed Factual Issues.** A plain and concise statement of all disputed factual issues which remain to be decided.

**(iii) Agreed Statement.** A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

**(iv) Stipulations.** A statement of stipulations requested or proposed for pretrial or trial purposes.

**(c) Disputed Legal Issues**

**(i) Points of Law.** Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions. Unless otherwise ordered, parties should cite to briefs served and lodged setting forth briefly the nature of each party's contentions concerning each disputed point of law, including procedural and evidentiary issues.

**(ii) Proposed Conclusions of law.** If the case is to be

1 tried without jury, unless otherwise ordered, parties should briefly indicate objections to  
2 proposed conclusions of law lodged with this Court.

3 **2. Trial Briefs**

4 Each party shall serve and file a trial brief which shall briefly  
5 state their contentions, the relevant facts to be proven at trial, and the law on the issues  
6 material to the decision.

7 **3. Findings of Fact**

8 In non-jury cases, each party shall serve and lodge with the  
9 Court proposed findings of fact and conclusions of law on all material issues. Findings shall  
10 be brief, clear, written in plain English and free of pejorative language, and argument.

11 **4. Witnesses**

12 Each party shall serve and file with the Court a list of all persons  
13 who may be called as witnesses. The list shall include a summary of the substance of each  
14 witness' proposed testimony.

15 **5. Designation of Discovery Excerpts**

16 Each party expecting to use discovery excerpts as part of its case  
17 in chief shall serve and lodge with the Court a statement identifying (1) by witness and page  
18 and line, all deposition testimony and (2) by lodged excerpt, all interrogatory answers and  
19 request for admissions to be used as part of its direct case. Each interrogatory answer  
20 intended to be offered as an exhibit shall be copied separately and marked as an exhibit. The  
21 original of any deposition to be used at trial must be produced at the time of trial, as well as  
22 a copy for the Court. Counsel shall indicate any objections to the use of these materials and  
23 advise the Court that counsel has conferred respecting such objections.

24 **6. Jury Instructions**

25 The parties shall file a joint set of proposed jury instructions as  
26 to those instructions on which the parties have reached agreement. As to any disputed  
27 instructions, each party shall separately submit its "proposed" instruction(s) supported by a  
28 memorandum setting forth the authority for its use. Responses or objections to any  
"proposed" jury instruction shall be filed no later than the date of the pretrial conference.  
All instructions shall be written in plain English which is comprehensible to jurors, concise  
and free of argument, and shall be organized in a logical fashion so as to aid jury  
comprehension, and are also to be provided on a CD in a word format. The Court's practice  
is to utilize, whenever possible, instructions found in the Ninth Circuit Manual of Model  
Jury Instructions.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

## 4

5

1

4

18

24

25

20

**D. TRIAL DATE**

Trial before the Jury will begin on December 7, 2015, at 8:30 a.m., for an estimated 8 trial days, or as soon thereafter as the Court may designate. The parties are advised that they must be prepared to go to trial on a trailing basis. The trial will take place at 1300 Clay Street, 2nd Floor, Courtroom 210, Oakland, California, 94612 (located inside the U.S. Bankruptcy Courthouse). The Court's trial hours are from 8:30 a.m. to 2:00 p.m., with two fifteen-minute breaks, on Monday, Wednesday, Thursday and Friday. *On the first day of trial all parties are required to have someone in Court with full Settlement Authority.*

**E. TRANSCRIPTS**

If transcripts will be requested during or immediately after the trial, arrangements must be made with the Court Reporter Coordinator (Telephone No. 510-637-3534) at least one week prior to the commencement of trial commences.

**F. STATUS AND DISCOVERY CONFERENCES**

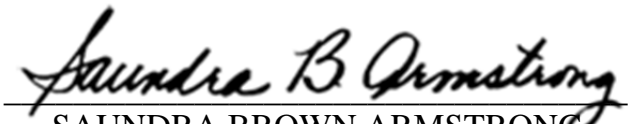
Any party desiring to confer with the Court may, upon notice to all other parties, arrange a conference through the courtroom deputy (Telephone No. 415-522-4158). Conferences may be conducted telephonically, upon request (preferably in writing).

**G. SANCTIONS**

Failure to comply with this order may result in the imposition of sanctions pursuant to FRCP 16(f).

**IT IS SO ORDERED.**

Dated: June 5, 2015

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge